

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

ZAPATA COUNTY, TEXAS,
MELISSA R. CIGARROA,
CCMD, LLC & GEORGE C.
RINCON,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR. PRESIDENT OF
THE UNITED STATES; ALEJANDRO
MAYORKAS, as the SECRETARY OF
THE UNITED STATES OF AMERICA'S
DEPARTMENT OF HOMELAND
SECURITY and CHRISTOPHER
MAGNUS, COMMISSIONER OF THE
UNITED STATES CUSTOMS AND
BORDER PROTECTION,

Defendants.

CIVIL ACTION NO. 5:20-CV-106

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

NOW COME Plaintiffs, Zapata County, Texas, Melissa R. Cigarroa, CCMD, LLC, & George C. Rincon, and hereby file this stipulation that they are dismissing without prejudice any and all claims that they have brought in this action against Defendants, Joseph R. Biden, Jr. President of the United States; Alejandro Mayorkas, as the Secretary of the United States of America's Department of Homeland Security and Christopher Magnus, Commissioner of the United States Customs and Border Protection, pursuant to Federal Rule of Civil Procedure 41(a).

I. INTRODUCTION & RELIEF REQUESTED

1. On or about June 30, 2023, Plaintiffs and Defendants filed a Joint Advisory advising this Court that the Secretary of the Department of Homeland Security rescinded the May 15, 2020 Notice of

Determination Pursuant to Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which waived legal requirements related to the construction of barriers and roads in Zapata and Webb Counties in Texas.

2. On or about July 5, 2023, in response to the Joint Advisory filed by the parties, this Court ordered the parties to submit a stipulation of dismissal or an advisory explaining reason for delay, no later than August 7, 2023.

3. The parties agree that Plaintiffs' claims asserted against Defendants in this suit should be dismissed without prejudice.

4. Therefore, in accordance with the Court's order, and pursuant to Federal Rule of Civil Procedure 41(a), Plaintiffs hereby file this Stipulation of Dismissal without Prejudice, which has been signed by all parties who have appeared.

5. WHEREFORE, PREMISES CONSIDERED, Plaintiffs and Defendants respectfully request that this Court enter the accompanying Order on Stipulation of Dismissal without Prejudice, which will dismiss all claims in this suit without prejudice.

Dated: July 27, 2023

Respectfully submitted,

By: /s/ Carlos Evaristo Flores

Carlos Evaristo Flores (Attorney-in-Charge)

Southern District of Texas No. 940935

Texas Bar No. 24050606

cflores@wctexlaw.com

Natalie Shanel Lewis

Southern District of Texas No. 3711343

Texas Bar No. 24108870

nlewis@wctexlaw.com

WHITWORTH CIGARROA, PLLC

602 East Calton, Ste. 201

Laredo, Texas 78041

Telephone: (956) 727-4441

Facsimile: (956) 727-2696

Attorneys for Plaintiffs

and

ALAMDAR S. HAMDANI
United States Attorney
Southern District of Texas

By: /s/ John A. Smith (with permission)
JOHN A. SMITH
Assistant United States Attorney
Southern District of Texas No. 8638
Texas Bar No. 18627450
800 North Shoreline, Suite 500
Corpus Christi, Texas 78401
Tel. (361) 888-3111
Fax (361) 888-3200
Email: john.a.smith@usdoj.gov
Attorney for the Defendant

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that, on the 27th day of July 2023, he electronically submitted a true and correct copy of the foregoing with the Court via the CM/ECF system, which will serve a copy on all counsel of record.

Jennifer Lowry
United States Attorney
Southern District of Texas
1000 Louisiana, Ste. 2300
Houston, TX 77002
Telephone: (713) 567-9000
Attorney for Defendants

John A. Smith III
Deputy Civil Chief
Assistant United States Attorney
800 North Shoreline Blvd., Suite 500
Corpus Christi, Texas 78401
Telephone: (361) 903-7926
E-mail: john.a.smith@usdoj.gov
Attorney for Defendants

P. Conner Kirtley
Assistant United States Attorney
11204 McPherson Road, Suite 100A
Laredo, Texas 78045
Telephone: (956) 723-6523
E-mail: Philip.Kirtley@usdoj.gov
Attorney in charge for Defendants

E. Paxton Warner
Assistant United States Attorney
1701 W. Bus. Highway 83, Suite 600
McAllen, TX 78501
Telephone: (956) 618-8010
E-mail: Paxton.Warner@usdoj.gov
Attorney for Defendants

/s/ Carlos Evaristo Flores